

HB 399 -- Removal of Non-elected Chief Law Enforcement Officers

Sponsor: Riddle

This bill specifies that any non-elected chief law enforcement officer of any political subdivision is subject to removal from office or employment by the appointing authority or political subdivision's governing body if the governing body issues a written notice to the chief whose removal is being sought no fewer than 10 business days prior to the meeting in which the removal will be considered; the chief has been given written notice as to the governing body's intent to remove him or her that includes specified information; the chief is given an opportunity to be heard before the board with any witnesses, evidence, and counsel of his or her choosing; and the board finds, by two-thirds vote, that there is just cause for the removal. Just cause exists when a chief is unable to perform his or her duties with reasonable competence or safety as a result of a mental condition, including alcohol or substance abuse; has committed any act, while engaged in the performance of his or her duties, that constitutes a reckless disregard for the safety of the public or another law enforcement officer; has caused a material fact to be misrepresented for any improper or unlawful purpose; acts in a manner for the sole purpose of furthering his or her self-interest or in a manner inconsistent with the interests of the public of his or her governing body; or has been found to have violated any law, statute, or ordinance that constitutes a felony.

Upon the satisfaction of the removal procedure specified, the chief must be immediately removed from his or her office; must be relieved of all duties and responsibilities; cannot be entitled to any further compensation or benefits not already earned, accrued, or agreed upon; and must be issued a written notice of the grounds for the removal within 14 days of the removal.

The bill repeals the provisions regarding the tenure, removal, or demotion of an acting chief of police in the City of Kansas City.